IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NOS.6614 TO 6623 OF 2004

New Laxmi Mill Chawl Bhadekaru
Sahabhagedari Sahakari Grihanirman
Saunstha Maryadit ...Petitioner

Versus

Shri Soma Bandu Bhusare & Ors.
etc. etc. ...Respondents

.....

Mr.S.S.Shah for Petitioner.

None for Respondents.

.....

CORAM: A.M.KHANWILKAR, J.

AUGUST 18, 2004.

P.C.

1. Heard Counsel for the Petitioner.

2. It cannot be disputed that the remedy of election dispute is available to the Petitioner after the election process is concluded. If it is

so, there is no reason that this Court should exercise writ jurisdiction and interdict with the ongoing process of election.

3. To get over this position, learned Counsel for Petitioner submits that there is prima facie material to show that the contesting Respondents are defaulters and if it is so, this Court will be duty bound to interfere, as the Assistant Registrar being the Appellate Authority, has committed manifest error in accepting the nominations of the contesting Respondents in each of these matters.

4. I find no substance in the submission because whether the contesting Respondents were defaulters or not, will be a disputed question of fact, which will have to be authoritatively answered by the appropriate Authority and the Appellate Authority having rejected the submission of the Petitioner in that behalf, to my mind, the parties will have to be relegated to instituting election dispute after the election process is concluded.

5. Petition disposed of keeping all the questions open, in the event the Petitioner decide to file election dispute.

A.M.KHANWILKAR, J.